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EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/929,101

Applicant(s)

PARK, JOON HYUNG

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

The application of Park for a "network control method and apparatus for home appliance" filed August 15, 2001 has been examined.

This application claims foreign priority based on the application 2000-70988 filed November 27, 2000 in Republic of Korea. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a) – (d), which papers have been placed of record in the file.

Claims 1-10 are pending.

#### ***Information Disclosure Statement***

The information disclosure form (PTO-1449) listing the references was not enclosed in the application.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schweickart et al. (US# 6,252,883).

Referring to claim 1, Schweickart et al. disclose a home and personal data services overlay communications system as recited in claim 1. See Figures 1 and 10 and respective portions of the apparatus and method.

Schweickart et al. disclose an apparatus for controlling a home appliance network having at least one or more home appliances (column 1 lines 36 to 47; see Figures 1 and 10) comprising:

An external communication means (47-50) (i.e. a computer for web surfing in internet) for inputting a predetermined operation control command to control the operation of the home appliances (i.e. a water heater 12, a television descrambler 13 and a freezer 14) by externally accessing a home page of a corresponding communication service provider (42) through an Internet (49) (column 2 line 66 to column 3 line 8; column 6 lines 29 to 50; see Figure 1);

A radio communication network (42) (i.e. cellular or PCS system) for transmitting the operation control command input to the home page through the external communication means (49) in a radio type (column 3 lines 25 to 43); and

An internal communication means (15, 20 or 30) (i.e. a home data device) located within home (11), for controlling the operation of the corresponding home appliance (i.e. a water heater 12, a television descrambler 13 and a freezer 14) for the home appliance network to correspond

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to the operation control command transmitted in a radio type through the radio communication network (42) (column 6 lines 29 to 50; see Figure 10).

Referring to claim 2, Schweickart et al. disclose the apparatus of claim 1, wherein the external communication means (47 to 50) includes at least one of a first external communication equipment (49) accessed to the home page through a cable communication network (119) (i.e. fiber optic cables) (column 5 lines 57 to 67; see Figure 9) and a second external communication equipment (50) accessed to the home page through a radio communication network or the cable communication network (column 3 lines 34 to 43; column 6 lines 8 to 13; see Figure 10).

Referring to claim 3, Schweickart et al. disclose the apparatus of claim 2, wherein the cable communication network (119) includes a telephone communication network or an internet private communication network (49) (column 5 lines 57 to 67; see Figure 9).

Referring to claim 4, Schweickart et al. disclose the apparatus of claim 2, wherein the radio communication network (50) is a portable radio communication network (column 6 lines 51 to 67).

Referring to claim 5, Schweickart et al. disclose the apparatus of claim 2, wherein the first external communication equipment (49) includes at least one of a PC, a private terminal unit and a server (column 6 lines 51 to 56).

Referring to claim 6, Schweickart et al. disclose the apparatus of claim 2, wherein the second external communication equipment (50) is a portable personal communication terminal unit (column 6 lines 39 to 50; column 7 lines 3 to 12; see Figure 10).

Referring to claim 7, Schweickart et al. disclose the apparatus of claim 2, wherein the internal communication means (30) is a portable personal communication terminal unit (i.e. a mobile unit) (column 2 line 66 to column 3 line 24; see Figure 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweickart et al. (US# 6,252,883) in view of Myer et al. (US# 6,615,088).

Referring to claim 8, Schweickart et al. disclose an apparatus for controlling an apparatus for controlling a home appliance network having at least one or more home appliances, to the extend of the claim 1 above, and further disclose controlling at the internal communication equipment (15) the corresponding home appliances in accordance with the operation control signal (column 3 line 1 to 8; column 6 lines 29 to 50; see Figure 1).

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However, Schweickart did not disclose the method comprising the steps of:

Searching data required for the operation and control of home appliances on an internet provided by the communication service provider using the internal communication equipment and downloading the data;

Outputting the downloaded data to a corresponding home appliance within home;

Outputting an operation control signal of the home appliance by externally accessing the internal communication equipment through the communication network provided by the communication service provider using the external communication equipment.

In the same field of endeavor of system for controlling remote external electronic devices, Myer et al. teach that searching data required for the operation and control of home appliances (37-39 and 112-116) on an network (22) provided by the communication service provider (12 and 30) using the internal communication equipment (36) (i.e. master controller) and downloading the data (i.e. loaded configuration file information from device) (column 2 line 52 to column 3 line 54; column 6 lines 1 to 29; see Figures 1-4);

Outputting the downloaded data to a corresponding home appliance within home (column 6 lines 30 to 49; see Figure 4); and

Outputting an operation control signal of the home appliance (37-39 or 112-116) by externally accessing the internal communication equipment (36) (i.e. a master controller) through the communication network (22) (i.e. internet) provided by the communication service provider (12) using the external communication equipment (i.e. a personal computer) (column 3 line 55 to column 4 line 8; column 5 lines 7 to 26; see Figures 1 and 2) in order to instructs appropriate appliances in the control network to act according to the received command.

One of ordinary skilled in the art recognizes the need to add the device interface configuration for a control system of Myer et al. in the home data service device and the mobile data telecommunication service for controlling the plurality of home appliances of Schweickart et al. because Schweickart et al. suggest it is desired to provide that home data service device is able to control several appliances within a home from a remote location (column 3 line 1 to 8; see Figure 1) and Myer et al. teach that the master controller queries the new installed device to get its configuration file information in order to have a successful communication interface between a web browser and a new appliance. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add the device interface configuration for a control system of Myer et al. in the home data service device and the mobile data telecommunication service for controlling the plurality of home appliances of Schweickart et al. with the motivation for doing so would have been to provide reliable control commands to a particular home appliance by a web browser user.

Referring to claim 9, Schweickart et al. in view of Myer et al. disclose the method of claim 8, Schweickart et al. disclose further comprising the steps of: monitoring the operation state of the home appliances (12 to 14) through the internal communication equipment (30); and transmitting the operation state to the external communication equipment (49) through the communication network (42) (column 4 lines 1 to 4; column 5 lines 13 to 16; column 6 lines 8 to 14; see Figures 3 and 10).



Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schweickart et al. (US# 6,252,883) in view of Myer et al. (US# 6,615,088) as applied to claim 8 above, and in further view of Russ et al. (US# 6,061,604).

Referring to claim 10, Schweickart et al. in view of Myer et al. disclose the method of claim 8, however, Schweickart et al. in view of Myer et al. did not explicitly disclose further comprising the steps of:

Detecting at the home appliance whether there is any error and outputting the detected result to the internal communication equipment; and

Outputting at the internal communication equipment the detected result to the external communication equipment if the one accesses the other.

In the same field of endeavor of system for controlling remote external electronic devices, Myer et al. teach that detecting at the home appliance (25 to 65) whether there is any error and outputting the detected result to the internal communication equipment (15) (i.e. a controller) (see Figure 1-4) (column 5 lines 22 to 34; column 5 lines 56 to 62); and outputting at the internal communication equipment (15) the detected result to the external communication equipment (i.e. to utility company) if the one accesses the other (column 2 lines 14 to 21; column 2 lines 34 to 36; see Figure 2) in order to indicate the status of the appliances.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to send an error detecting code from the controller to the external communication device of Russ et al. in the monitoring status of the appliances of Schweickart et al. in view of Myer et al. because an error detection result would improve the reliable

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communication and accurate control of the plurality of appliances that has been shown to be desirable in the home and personal data services of Schweickart et al. in view of Myer et al.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

King (US# 6,308,083) discloses an integrated cellular telephone with programmable transmitter.

Irvin (US# 6,192,236) discloses an apparatus and methods for remote control of accessory devices using a radiotelephone as a receiver.

Emmermann (US# 6,157,313) discloses a method and apparatus utilizing a multifunction remote appliance sensor.

Naughton et al. (US# 6,020,881) disclose a graphical user interface with method and apparatus for interfacing to remote devices.

Holmes (US# 5,875,395) discloses a secure equipment automation using a personal base station.

Salazar et al. (US#5,802,467) disclose a wireless and wired communications, command, control and sensing system for sound and/or data transmission and reception.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen  
November 23, 2003



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